

ORIGINAL



CTIA

Building the Wireless Future...
Cellular Telecommunications Industry Association

Michael F. Altschul

Vice President/General Counsel

EX PARTE OR LATE FILED

September 20, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. 2nd Floor
Washington, D.C. 20554

Re: **Ex Parte Presentation**
CC Docket No. 94-102

Dear Ms. Salas:

On Tuesday, September 14, 1999, the Cellular Telecommunications Industry Association ("CTIA") filed comments in the above captioned proceedings through the Electronic Comment Filing System ("ECFS"). CTIA's comments included a matrix that was not easily viewable on the FCC website. In an effort to correct this problem, the file was apparently corrupted and currently is unviewable. Attached please find a copy of the FCC's receipt and a hard copy of our September 14, 1999 comments on the Wireless E9-1-1 Phase I Implementation Report filed by CTIA, PCIA, APCO, NENA, and NASNA. Your office has informed CTIA that the original filing was accepted as of September 14, 1999, and that this additional submission will be associated with the earlier electronic filing.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Michael Altschul

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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SEP 20 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules) Docket No. 94-102
To Ensure Compatibility with Enhanced) RM-8143
911 Emergency Calling Systems)

**COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA")¹ hereby submits its Comments in response to the Commission's Public Notice on the status of the implementation of Phase I wireless E9-1-1 capabilities,² and the Report of CTIA, PCIA, APCO NENA and NASNA (the "Report of the Parties to the Original Consensus Agreement" or "Report"), filed that was filed on August 9, 1999.³

The wireless industry remains committed to providing E9-1-1 service throughout the country. Wireless infrastructure vendors have met the technical standards and requirements set forth in the Commission's rules for Phase I E9-1-1 service.⁴ Accordingly, CMRS switches and networks are capable of complying with the Phase I technical requirements. Unfortunately, as SCC Communications concludes, the April 1998 deadline for wireless Enhanced 9-1-1 Phase I service "has not been met for a number of reasons having little to do with the good will of [the] parties."⁵

The Report of the Parties to the Original Consensus Agreement identifies many of these implementation issues, including the complexity created by up to nine CMRS providers, each with their own service area, technology, and vendors, who must negotiate and contract with multiple PSAPs. As the Report concluded, "[w]hile not an insurmountable burden, the sheer number of contracting parties provides a significant challenge."⁶ Moreover, as the Report references, antitrust concerns can be an impediment to the adoption of uniform implementation

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including 48 of the 50 largest cellular and broadband personal communications service ("PCS") providers. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

² See Public Notice, Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report, CC Docket No. 94-102 (rel. June 9, 1999).

³ On August 16, 1999, the Commission issued a Public Notice seeking comments on this Report. See Public Notice, Wireless Telecommunications Bureau Requests Comment on Wireless E911 Report Filed by CTIA, PCIA, APCO NENA and NASNA on August 9, 1999, CC Docket No. 94-102 (DA 99-1627).

⁴ Report, at 5.

⁵ Comments of SCC Communications Corp., (Aug. 9, 1999) at 8.

⁶ Report, at 8.

solutions.⁷ Another issue identified in the Report of the Parties to the Original Consensus Agreement that has impeded the implementation of Phase I services is that not all PSAP managers have made it a priority.⁸ Moreover, some PSAPs have looked at the resources required to implement Phase I capabilities and have concluded that they would prefer to wait for Phase II before requesting wireless E9-1-1 service.⁹

But by far, the greatest impediments to the deployment of Phase I services have been the inter-related issues of cost-recovery, liability, and the need for both PSAPs and wireline LEC networks to be able to handle the data made available by wireless carriers. Unfortunately, either by choice or circumstance, these are issues that are beyond the Commission's reach. While much of the focus concerning cost recovery has been on wireless carriers, to implement Phase I and Phase II services PSAPs will require additional funding to finance the significant expenditures required to upgrade their hardware and software capabilities, not to mention the additional network services they will require on a recurring basis. Thus, even if the Commission were to change its cost recovery rules, as APCO proposes, and make wireless carriers responsible for recovering their own implementation costs, the cost recovery issue will not go away until the PSAPs can finance their own additional requirements.

As noted in the Report, "[g]iven the highly localized nature of PSAP services, . . . the PSAP equipment, trunking, routing infrastructure and ALI databases historically were designed as an intra-LATA operation and performance were optimized for 7-digit dialing patterns."¹⁰ The bulk of these 9-1-1 selective routers (sometimes referred to as "9-1-1 access tandems"); ALI databases, and 9-1-1 trunks, as well as the PSAPs' own equipment, will have to be upgraded at the PSAPs' own expense to handle the additional ANI and ALI information that will be provided by wireless carriers.

An additional complication has been the need to seek limits on the liability of both PSAPs and wireless carriers.¹¹ As the Report of the Parties to the Original Consensus Agreement states:

The FCC's non-subscribed phone decision has led wireless carriers to seek liability protection at the Federal, state and local level. . . . Significantly, this disparity may also affect PSAPs' own liability risks in handling wireless calls. As a result, PSAPs have joined with wireless carriers in seeking liability protection on a state-by-state legislative basis and in Congress.¹²

The need for state-by state legislation to address both funding and limitation of liability has contributed to the delay in Phase I services.¹³ State cost-recovery legislation has been

⁷ Report, at 15. The threshold questions concerning E9-1-1 implementation typically require carrier-specific disclosure of both current and projected calling volumes, as well as current and projected customer counts (for the PSAPs' cost recovery calculations), as well as the disclosure of planned network enhancements or upgrades -- precisely the type of information carriers should not be sharing with their competitors.

⁸ See Report, at 9.

⁹ State of California Department of General Services Telecommunications Division, The Los Angeles County Wireless E9-1-1 Trial in the Context of 9-1-1 in California, at 67-68 (June, 1999).

¹⁰ Report, at 16.

¹¹ This is actually a cost-recovery issue since without such limitation of liability, both carriers and PSAPs must pass along to their users the costs associated with their exposure to damage claims.

¹² Report, at 14.

¹³ However, legislation is not always required to implement Phase I. See Report, at 9.

complicated (and even killed) by the need to address limitations of liability along with cost recovery.

As noted above, the Commission's rules have provided an incentive for both wireless carriers and PSAPs to support these legislative efforts. While not always easy, these efforts have been successful in a majority of the states. Moreover, legislative efforts are underway in most of the states that have not yet acted. And sometimes, even when the legislature has acted, the bill has been vetoed by the governor, or the new law itself has contributed to further implementation delays.

To provide the Commission with a better sense of the status of these efforts, CTIA's members have prepared the attached Wireless E9-1-1 Phase I State-by-State Implementation Report (CTIA State-by-State Report). While this report seeks to be comprehensive and objective, it is a snapshot (taken on August 1, 1999) of a moving target, and because of its summary format, it does not describe all of the complexities surrounding any one state's implementation efforts. Nonetheless, the CTIA State-by-State Report is quite valuable in demonstrating the success carriers and PSAPs have had in meeting the challenges required of them, as well as providing a variety of model laws that can be used to address these critical implementation issues in the remaining states.

CTIA's State-by-State Report shows that legislation has been enacted in slightly over half of the states, and that eighteen states have adopted, or are expected to adopt, some form of cost recovery. Moreover, significant efforts are underway in nearly all of the remaining states to pass legislation that will facilitate the implementation of wireless E9-1-1. While these efforts have taken longer than the parties to the original Consensus Agreement (and the Commission) may have anticipated, now that a majority of the states have passed legislation, an important hurdle to implementing the promise of wireless E9-1-1 has been surmounted.

As CTIA concluded in its Addendum to the August 9, 1999 Report, “[r]elying on state and local mechanisms is not without difficulty. . . . Even with these difficulties, CTIA continues to believe that these are issues that are best resolved at the state and local level and the wireless industry remains committed to providing Phase I E9-1-1 service throughout the country.”¹⁴

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

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September 14, 1999

¹⁴ Report, CTIA Addendum, at 3-4.

CTIA Wireless E9-1-1 Phase I Matrix

| State | Wireless E-911 Legislation & Date Eff. | Eff. Date of Fee Collection | Fee & % That Goes To Wireless | Cost Recovery Rules ⁱ Est. & Date Eff. | Wireless Carriers Phase I Compliant ⁱⁱ ? | Number of PSAPs Making Phase I Requests Meeting FCC Preconditions ⁱⁱⁱ ? | Number of PSAPs in Process of Being Implemented | Comments |
|-------|--|--|---|---|---|--|---|---|
| AK | No | No | No | No | Yes | 0 | 0 | |
| AL | Yes 5/1/98 | 5/1/98 | \$.70 44% | Yes 4/22/99 | Yes | 30 | 30 | |
| AR | Yes 7/1/97 | 8/1/97 | \$.50/58% in a pool shared with PSAPs | Yes | Yes | 0 – See comments | 0 | PSAPs have delayed implementation until Southwestern Bell has installed its routing solution. |
| AZ | Yes 4/97 | 7/1/97 | \$.10/ % N.A. | No | Yes | 4 | 4 | Carriers working with Pima County (4 PSAPs); facilities installed and trunks tested but County has not signed contract. Legislation does not specify how funds are allocated. |
| CA | No. | Fees have been collected from wireless for 10+ years. Wireless and wireline fees comingled | Fee = .72% of intrastate charges. No designated percentage to wireless. | No | Yes | 0 | 0 | Recent report questions value of Phase I. |

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|-------|--|--|---|---|---|--|---|--|
| CO | Yes 4-30-97 | 7-97 | Up to \$.70; currently counties collect surcharges ranging from \$.25-.70 (0% specifically reserved for wireless; carriers seek recovery from BESP) | Role of BESP/ LEC in cost recovery process remains under discussion | Yes | 22 | 22 | BESP is defined as Basic Emergency Service Provider. |
| CT | Yes 5/31/96 | Identi-cal fees for wireless and wirelinehav e been collec-ted since July 1997 | Tiered structure ranging from \$.31 for single line accounts to \$.06 for >100 lines. No specific percentage for wireless. | Yes Legisla-tion on May 31, 1996 and subse-quent DPUC rulings starting in April 1997. | Yes | 108 | 108 | Statewide implementation of Phase I will begin 3Q99. |
| DC | No | No | No | No | Yes | 0 | 0 | |
| DE | No | No | No | No | Yes | 0 | 0 | |
| FL | Yes 7/1/99 | 8/1/99 | \$.50 54% | No | Yes | 0 | 0 | |
| GA | Yes 7/1/98 | Not before 11/1/98 local option | Up to \$1.00 30% PH1 30% PH2 | Yes – local option | Yes | 28 | 28 | |
| HI | No | No | No | No | Yes | 0 | 0 | |

| State | Wireless E-911 Legislation & Date Eff. | Eff. Date of Fee Collection | Fee & % That Goes To Wireless | Cost Recovery Rules ⁱ Est. & Date Eff. | Wireless Carriers Phase I Compliant ⁱⁱ ? | Number of PSAPs Making Phase I Requests Meeting FCC Preconditions ⁱⁱⁱ ? | Number of PSAPs in Process of Being Implemented | Comments |
|-------|---|-----------------------------|---|---|---|--|---|---|
| IA | Yes SF 530 4-16-98 | 01/99 | \$.50 Wireless must be reimbursed before PSAPs are paid. | Draft rules only at this point. The rules are expected to be finalized in the fall. | Yes | 0 | 0 | |
| ID | No | No | No | No | Yes | 0 | 0 | |
| IL | HB 1383 Pending for Governor's signature | If enacted, August 1, 1999. | Fee to be determined.33% to go to wireless costs. | No | Yes | 1 | 1 | 8/16 the Governor vetoed HB 1383. Scheduled to be re-sent to Governor after modifications sometime in November. |
| IN | Yes 3/13/98 | 5/1/98 | \$.65 41% | Yes 8/17/98 | Yes | 9 | 9 | |
| KS | No- Legislation Introduced Spring 1999 | No | No | No | Yes | 0 | 0 | Senate Bill and House Bill—Hearings held - no action. |
| KY | Yes 4/1/98 | 8/15/98 | \$.70 50% | No-To be completed in July | Yes | 0 | 2 | Phase I is being implemented in two counties prior to formal cost recovery rules. |
| LA | Yes | 9/1/99 | \$.85 up to 100% | Yes - local option | Yes | 5 | 5 | |
| MA | No | No | No | No | Yes | 0 | 0 | Bill to implement wireless E911 service is awaiting action pending completion of state budget process. |
| MD | Yes 1995 | 1995 | \$.60 See State Profile | 1995 | Yes | 0 | 0 | |

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|-------|--|---|--|--|--|--|--|--|
| ME | No | 8/1/98 | \$.32 None to wireless | No | Yes | 0 | 0 | Maine has just contracted with Bell Atlantic for a state-wide landline E-911 system, expected to be completed in June of 2001. Maine does not plan on implementing wireless E-911 until after completion of landline implementation. E-911 Director for Maine states that they may skip Phase 1 and go directly to Phase 2. No plans currently for wireless recovery of costs. |
| MI | Yes 6/28/99 | 10/28/99 | \$.55 until 10/01 and then \$.52 thereafter | No | Yes | 0 | 0 | |
| MN | Yes, completed in 1997 | 1/89 wireline 911; 7/94 wireless 911; 7/97 E911 | \$.27, 11.8 % | Yes, but need certification/ approval or service agreement & hasn't occurred for most carriers | Yes | 0. MN requested state-wide but has not met all pre-conditions | 7 PSAPs have been implemented by U.S. West Wireless under a compromise arrangement | Oversight by Dept. of Administration; no consensus on choice of technology or technology standards; no mechanism for distributing funds once collected; legislation regarding cost recovery tabled; state and carriers currently working to arrive at model service agreement |
| MO | 9/1/98 Passed, but no effective date. | No – see com-ments | \$.50 goes into pool to be shared with PSAPs. Rules will set division. | No | Yes | 0 | 0 | The \$.50 fee was defeated 58-42 in a statewide referendum on 4/5/99. Another referendum on the \$.50 fee will be held but not before '00. |
| MS | Yes 4/13/98 | 5/1/98 | \$1.00 30% | No-To be completed in July | Yes | 0 | 1 | |

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|-------|--|--|--|---|---|--|---|--|
| MT | Yes 04/30/97 (certain sections) 07/01/97 (Main part of the bill) | 04/30/95 07/01/97 (increase) | \$.50 \$.25 (enhanced, but not specifically wireless enhanced) | Effective 07/01/97 | Yes | 0 | 0 | |
| NC | Yes 10/1/98 | 10/1/98 | \$.80 60% | Yes – interim | Yes | 25 | 25 | |
| ND | No | No | No | No | Yes | 0 | 0 | |
| NE | No | None | None | See narrative. | Yes | 0 | 0 | |
| NH | Yes HB 726, effective July 1, 1997 | July 1, 1997 | Amounts collected go into one fund all to be used for enhanced 911. Money is not segregated. | No special rules required. | Yes | 0 | 0 | |
| NJ | Yes; 6/24/99 See comments | No | No | No | Yes | See comments | See comments | New NJ law obligates Legislature to appropriate funds for wireless E911 installation, operation, and maintenance costs; state 911 authority refuses to grant all carriers full recovery of all costs; see state profile. Technology dispute between the state's central 911 authority (NJOETS) and some of the carriers has occurred with subsequent negotiations stalling phase one implementation. |
| NM | No | No | No | No | Yes | 0 | 0 | |
| NV | No | No | No | No | Yes | | | |

| State | Wireless E-911 Legislation & Date Eff. | Eff. Date of Fee Collection | Fee & % That Goes To Wireless | Cost Recovery Rules ⁱ Est. & Date Eff. | Wireless Carriers Phase I Compliant ⁱⁱ ? | Number of PSAPs Making Phase I Requests Meeting FCC Preconditions ⁱⁱⁱ ? | Number of PSAPs in Process of Being Implemented | Comments |
|-------|--|-----------------------------|---|---|---|--|---|--|
| NY | No | 7/1/91 | \$.70 0% See comments | No | Yes | 0 | 0 | Political and financial complexities have stalled wireless E911 deployment in NY for the foreseeable future; see state profile. A \$.70 per month per subscriber surcharge on wireless users since 1991 is not dedicated to Wireless E-911. |
| OH | No | No | No | No | Yes | 0 | 0 | |
| OK | No | No | No | No | Yes | 0 | 0 | OK has not seriously considered wireless E911 legislation since the FCC's Report and Order. |
| OR | Yes | 10/95 | \$.75 (0% specifically reserved for wireless) | Yes; 10/95 | Yes | 18 | 18 | |
| PA | No | No | No | No | Yes | 0 | 0 | Wireless carriers have drafted legislation implementing a state-wide wireless E-911 system, managed by the Pennsylvania Emergency Management Agency. PEMA has approved the draft and it is hoped that legislation will pass this Fall. Legislation includes detailed cost reimbursement and advisory board language. |
| RI | No | 7/1/97 | \$.47; see comments | See comments | Yes | 0 | 0 | Legislative reallocation of surcharge funds for other projects have delayed implementation; see state profile |
| SC | Yes 8/1/98 | 11/1/98 | \$.55 57% | Yes 5/1/99 | Yes | 9 | 9 | |
| SD | No | No | \$.75 0% | No | Yes | 0 | 0 | |

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|-------|--|--|---|---|---|--|---|----------|
| TN | Yes 5/20/98 | No later than 8/20/99 | \$.85 25%-PSAPs; Percentage to wireless undetermined. | No; To Be Complt'd in July | Yes | 0 | 0 | |
| TX | Yes 9/1/97 | 9/1/97 | \$0.50 | No; To Be Complt'd in July | Yes | 3 | 3 | |
| UT | Yes 3/21/98 | 7/1/98 | Local government to collect up to \$.50 for basic. \$.03 on both wireline and wireless for wireless E911. | See narrative. | Yes | 0 | 0 | |
| VA | Yes 7/1/98 | 7/1/98 (see profile) | .75 cents/ % based on cost estimates (see profile) | 5/99 | Yes | 22 | 22 | |
| VT | No | No | No | No | Yes | 0 | 0 | |
| WA | No | \$.25 fee collected under existin statute, RCW 82.14B.030() | None is available for wireless costs | No | Yes | 0 | 0 | |
| WI | No | No | No | No | Yes | 0 | 0 | |
| WVA | Yes 3/6/98 | 1/1/98 | \$.94 3% to Phase II | No | Yes | 0 | 0 | |
| WY | No | No | No | No | Yes | 0 | 0 | |

¹ See individual state profiles for cost recovery rules discussion.

¹ A Phase I compliant carrier is any carrier, that in response to a PSAP request meeting the required FCC preconditions, can deliver Phase I in the time and manner required in FCC Docket No. 94-102.

¹ FCC Docket No. 94-102, *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, states: "A carrier, however, is not required to implement E911 services unless two conditions are met: (1) that the carrier has received a request for service from a PSAP capable of receiving and utilizing the data, and (2) that a mechanism for recovering the costs of the service is in place." See also, 47 C.F.R. Section 20.18 (f).

**WIRELESS E9-1-1
PHASE I IMPLEMENTATION
STATE BY STATE PROFILES**

ALABAMA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state from some carriers.

Cost Recovery Mechanism

Alabama has imposed a \$0.70 per month per subscriber E911 surcharge on wireless customers.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1998, the Alabama Legislature passed CMRS industry- and PSAP-supported legislation establishing a wireless E911 surcharge of 70 cents. Carriers were authorized to begin collecting the surcharge in May of that year. Other provisions of the legislation included:

- A five-member board with three 911 and two CMRS industry representatives.
- The fund created by collection of the fee will be divided in the following manner: 56 percent to PSAPs for their expenses in connection with implementing Phase 1 wireless E911 service; 44 percent into a pool to be used to reimburse CMRS carriers for their expenses in implementing Phase 1 E911 service.
- All reimbursements must be approved by the state board.
- Includes limitation of liability.

ALASKA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Although the Alaska State Legislature has provided limitation of liability to wireless carriers (Title 29, Section 29.35.133), it has not implemented a wireless 911 program. No surcharges are being collected from wireless customers in the state of Alaska today, nor have PSAP requests been issued to wireless carriers for implementation of Phase I E-911 service.

On March 15, 1998, the Anchorage Police Department requested Phase I E911 service from at least one wireless carrier. However, the Department later chose to rescind that request in light of the lack of a cost recovery mechanism in the state. No other PSAP requests have been issued to wireless carriers for implementation of Phase I E911 service.

ARIZONA

Phase 1 Implementation Status

Although Phase 1 testing has been completed in Pima County, Phase I service has not been implemented in the state.

Cost Recovery Mechanism

The state legislature has imposed a \$0.10 per month per subscriber surcharge on all wireless subscribers. However, the funds raised by this surcharge are not dedicated to E911 costs, and it is not clear that this surcharge will be sufficient to fund E911 deployment.

Choice of Technology Issues

None at this time.

Other Issues

County concerns with wireless carrier contracts.

History

Arizona has not implemented wireless E911 as of June, 1999. However, several wireless carriers have been working with Pima County (Tucson) public safety officials for nearly one year to implement Phase I. A few carriers have installed facilities and tested trunks but are now waiting for the County to sign an agreement before proceeding to deploy Phase I. The County has previously assured the wireless carriers that they have the resources to reimburse the carriers, which has also been confirmed by members of the State of Arizona 911 Team who are monitoring this initial deployment in Pima County.

Legislation to have wireless contribute to the financing of Emergency Telecommunication Services was signed into law in April 1997. SB 1441 imposed a fee of \$.10 per month for each activated wireless service through June 30, 1999, at which time the fee could be raised up to \$.20. In June, 1999, the state Department of Administration determined that with a surplus of approximately \$2 million, there was no need to increase the fee on wireless customers.

A major point of controversy was with the trial attorneys who opposed providing wireless carriers with any limitation of liability. A compromise was reached wherein the legal standard for wireless carriers' liability was set somewhere between ordinary negligence and gross negligence.

Although the industry and Pima County officials have worked well together, the reluctance of the County to sign a contract with carriers has delayed the final implementation activities. Industry is optimistic that this outstanding issue will be resolved soon. The Pima County deployment will serve as a successful test for the state of Arizona.

ARKANSAS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Arkansas has imposed a \$0.50 per month per subscriber E911 surcharge.

Choice of Technology Issues

None at this time.

Other Issues

The Arkansas PSAPs have elected to await Southwestern Bell's implementation of a routing solution. Southwestern Bell has not yet tariffed or implemented its routing solution.

History

The wireless industry and PSAPs began meeting in the fall of 1996 to discuss implementing wireless E911. During the first few weeks of the 1997 legislative session, PSAPs and wireless carriers reached agreement on a statewide fund with a monthly fee of \$.50 per wireless subscriber. A Board consisting of 2 PSAPs, 2 carriers, and the State Auditor was created to administer the fund. The Board held its first meeting in the summer of 1997.

Initial work by the board focused on means of distributing funds to PSAPs. Under the Arkansas legislation, PSAPs were to receive a share of the wireless surcharge based on the number of calls received. Because the PSAPs did not want to rely on self-reporting of these numbers, they sought industry reporting to track call volumes. The development of such tracking programs within wireless switches, however, proved time consuming and expensive. After nearly two years, it was finally agreed that PSAPs would be compensated under a new formula based on population. This methodology was simpler to measure and implement. Legislation was introduced in 1999 to make these changes as well as increase to 2% the amount the Board would retain to cover the costs of its operation.

Wireless carriers are currently prepared to launch Phase I service in Arkansas but no PSAPs have requested service. At least one PSAP has indicated that it would prefer to wait for Southwestern Bell to implement a solution rather than purchase the existing technology offered by the wireless carriers. Once the Southwestern Bell routing solution is in place, the PSAPs may require wireless carriers to use this technology to provide wireless E911.

The CMRS Emergency Telephone Services Board currently holds \$2,943,302 for funding Phase I implementation. Although no PSAP has implemented Phase I E911 service, the Board has distributed in excess of 1.5 million dollars to PSAPs.

CALIFORNIA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

For more than ten years, wireless customers have been paying a 911 surcharge constituting 0.72% of intrastate charges. The funds raised by this surcharge are not specifically dedicated to implementation of E911.

Choice of Technology Issues

None at this time.

Other Issues

There are no Phase I requests currently filed with California carriers. The California Phase I E911 pilot project report suggests that Phase I service may not be cost effective.

History

California has had statewide wireless 911 for over 10 years. All calls, by law, are answered by the California Highway Patrol at one of their 25 Communications Centers. There are 475 additional local PSAP's around the state that handle the landline traffic.

Wireless customers pay the same 911 tax as wireline customers, which currently is 0.72% of intrastate charges. Over \$87 million is raised annually. The funds are commingled and not designated for a particular technology. The only cost recovery to date, and the only cost recovery ever requested by wireless carriers, was in connection with the LA E 911 Pilot Project which ran from 8/98 to 1/99. Carriers were generally pleased with the cost recovery mechanism in the pilot. Carriers submitted invoices which were promptly paid by the State 911 Program which administers the fund.

No PSAP's have yet requested E 911. Since the CHP is the wireless PSAP, a request from a local would violate current law. Current discussion revolves around the final report of the LA Pilot Project produced by the State 9-1-1 Program and an informal Governor's Task Force on Wireless 911.

Pilot Project Report

The pilot project report questions whether Phase One ALI is worth the cost. The outcome seems to value call back number but CHP and the 911 Office are not convinced that cell site location is worth \$40-50 million annually. Alternatively, California authorities are interested in expanding caller ID as an ANI interim measure and feel we need to move forward toward Phase 2. There seems to be acknowledgment that Phase One has to be in place as a default for Phase 2 but the question is timing.

Task Force

The Task Force is examining what short term fixes or legislation would be helpful this year. The focus is selective routing and resolution of liability concerns. The Task Force tried legislation last year that linked wireless immunity with a change in the law to allow selective routing. The trial lawyers killed it. To avoid a fight with the trial lawyers and set the stage for selective routing, the Administration has endorsed in concept that absent statutory immunity, insurance covering the E911 risk is a proper component of cost recovery. Our hope is to keep the Task Force together as future E911 issues evolve.

COLORADO

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

State legislation implemented 4/30/97 allowed for Colorado counties to collect surcharges of up to \$.70 from wireless customers. Surcharges vary by county, ranging from \$.25 to \$.70.

Choice of Technology Issues

None at this time.

Other Issues

Contractual disputes arising from unique statutory framework.

History

State legislation implemented 4/30/97 allowed for Colorado counties to collect surcharges of up to \$.70 from wireless customers. Surcharges vary by county, ranging from \$.25 to \$.70, and in many counties wireless customers have been paying the surcharge for more than a year. Funds are paid directly to PSAP entities/authority boards. A statewide E911 Task Force is in place, currently focused on efforts to resolve the role of the Local Exchange Carrier (US West) in the cost recovery process.

Current state regulation requires all landline 911 calls to be routed to PSAPs through a PUC authorized Basic Emergency Service Provider (BESP) and for all LEC costs to be aggregated and reimbursed by the BESP. The BESP collects revenues from PSAPs through a tariffed rate approved by the PUC. US WEST is currently the only BESP and the PUC has indicated it is not willing to authorize additional BESPs -- landline or wireless.

Wireless service, per the FCC, is not regulated by the State of Colorado. The cost recovery and tariffing processes described above are problematic for wireless carriers because they require the submission of sensitive proprietary data to support costs evaluated in a public process. However, at the request of the PSAP community in Colorado, some wireless carriers have voluntarily agreed to work with all parties to route calls through the BESP and utilize the statewide cost averaging model.

In addition, contractual issues present a challenge for many wireless carriers. These disputes arise because PSAPs are unwilling to accept responsibility for reimbursement of carrier costs and because contracts must be executed on a county-by-county basis.

Implementation efforts in the state have been mixed, but have intensified recently. This improvement is due to wireless carriers' willingness to accept the BESP cost recovery model rather than direct recovery from PSAPs. One carrier has worked successfully with the BESP and the PSAPs, accomplishing the full implementation of Phase I service in 10 of the state's most populated PSAPs as of 6/99 (representing 90% of the company's in-state customer base). Several other carriers are in active negotiations with PSAPs. These successes have not been uniform among all carriers.

CONNECTICUT

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Connecticut imposes a wireless 911 surcharge that ranges from \$0.31 per month per subscriber for single line accounts to \$0.06 per month per subscriber for accounts with more than 100 lines. State authorities have expressed unwillingness to pay carriers for certain E911 implementation costs, such as third party vendor charges.

Choice of Technology Issues

State reluctance to pay third party vendor costs will impact previously made contractual relationships between carriers and vendors.

Other Issues

None at this time.

History

Public Act 96-150, passed by the state legislature in May, 1996, established a statewide E911 program. The legislation directed the Department of Public Utility Control (DPUC) to conduct, by June 1st of each year, a proceeding to determine the amount of monthly fee to be assessed against each subscriber of local telephone service and each subscriber of commercial mobile radio service. It also mandated that the DPUC shall not approve a fee greater than \$0.50 per month per access line. On May 27, 1999, the DPUC issued their latest Order (Docket No. 96-09-13RE02) whereby all local exchange carriers, competitive local exchange carriers, and commercial mobile radio service providers are required to assess their respective subscribers based on a per-line assessment schedule ranging from \$0.31 per month (for single line accounts) to \$0.06 per month (for accounts with greater than 100 lines). The funds collected are forwarded to the Connecticut Department of Revenue Services on a monthly basis where they are used to support a state-wide upgrade in the E911 network, including the costs for wireless Phase I implementation, slated to begin in the 3Q99. Indemnification language has not yet been introduced by the state legislature.

DELAWARE

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The State of Delaware does not have a statewide wireless E9-1-1 program or a cost recovery mechanism for provision of same.

There have been limited communications between individual carriers and the state's 9-1-1 Administrator, despite various carriers' repeated attempts to schedule individual meetings. The Administrator believes that the state has little, if any, role in carrier cost recovery and carriers should simply recover their own costs.

Delaware has a county-based wireline 9-1-1 surcharge of up to \$.50. Funds go directly to the counties and are apportioned to the Primary 9-1-1 Emergency Report Centers in the counties. New Castle County has three PSAPs -- the county unit and one each in the cities of Wilmington and Newark. Kent and Sussex Counties each have a single PSAP.

On the legislative front, days before the first session of the Delaware General Assembly recessed until January, a bill was introduced, which would repeal existing law capping liability for corporations offering 9-1-1 enhanced service at \$1 million. In its place, the legislation would provide that governmental bodies, volunteer fire companies and wireline or wireless carriers will not be held liable, except for willful or wanton or intentional misconduct. The legislative synopsis discussed the potential erosion of the limited immunity afforded to governmental bodies and volunteer fire companies under Delaware's Tort Claims Act, as well as enactment of comparable legislation in other states. This bill has been approved by the state Senate. It has been sent to the state House for consideration.

DISTRICT OF COLUMBIA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Currently, the District of Columbia does not have E911 legislation or a surcharge. However, wireless carriers have begun working on legislation with the Metropolitan Police Department and the City Council. We anticipate that legislation will be introduced this fall.

FLORIDA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Public Safety Community and the Industry have been in agreement since 1997 on the need for cost recovery legislation. The political climate did not allow passage until 1999. In both 1997 and 1998, Wireless E911 bills were introduced and quickly held up in Committee as the Governor and Legislature vowed “no new taxes”. The Industry was successful in 1998 in passing liability legislation.

In 1999, the Industry and Public Safety Community led a very organized grass roots legislative effort. As a result of this effort, the legislature did pass HB 621 in 1999. The specifics of the bill are:

- Statewide wireless surcharge of 50 cents (same as wireline) – 54% of this fee goes to wireless cost recovery.
- CMRS Board
- CMRS Fund with cost recovery
- Support for rural deployment of basic 911

It is expected that the board will be operational in the fall of 99 with Phase I implementation beginning in early 2000.

GEORGIA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

State legislation implemented 7/1/98 allowed for Georgia PSAP authorities to collect E911 surcharges of up to \$1.00 from wireless customers, with \$0.30 of every dollar to be used for reimbursement of carrier Phase I costs.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In 1998, the Georgia Legislature passed enabling legislation that authorized local governing authorities that operate a PSAP or contract to operate a PSAP to pass ordinances imposing a wireless E911 fee of up to \$1. It was not possible to pass a statewide fee and establish a statewide board because of the requirements of the State Constitution. The state law also requires that such ordinances cannot take effect until 120 days after their effective date. A local PSAP has 18 months from the effective date of the E911 fee to implement wireless E911 service. On or after October 1, 2001, local governing authorities may increase the fee equal to the 911 fee on local exchange customers, currently set at \$1.50. To date, most the approximately 126 local jurisdictions with PSAPs have passed ordinances.

- 30 cents of every \$1 collected must be deposited by each PSAP in a restricted account, which is to be used to reimburse CMRS providers for the nonrecurring and recurring installation, maintenance, service, and network charges associated with providing Phase I of wireless E911.
- The remaining amount is to be used by the PSAP for their general statutory obligations.

HAWAII

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Hawaii does not currently have a statewide wireless E911 program and a mechanism for cost recovery.

Following an unsuccessful effort in 1998, the wireless industry worked dilligently with the Department of Health in 1999 to convince the Legislature to adopt wireless E911 legislation. Two bills were introduced during the 1999 legislative session, House Bill 661 and Senate Bill 778. The two bills were identical, with one exception: HB 661 did not include language establishing limits on liability which was included in SB 778.

The House Health Committee amended HB 661 to include the liability protections in SB 778 and passed the bill. The bill was then heard by the House Consumer Protection and Commerce Committee, where the Office of Consumer Advocate testified against the bill. Industry immediately began working with the Consumer Advocate to resolve his concerns. The Committee passed the bill with amendments worked out between carriers and the Consumer Advocate. After referral to and minor amendments by the House Finance Committee, the bill was passed by the full House on a vote of 47 to 2.

In the Senate, the Commerce and Consumer Protection Committee took up the bill. With the continuing cooperation of wireless carriers and the Consumer Advocate, the Committee made major modifications to the bill, changing it from a "bill and keep" system to a "pooling" system. The Committee passed the bill and noted in its Committee Report that "CMRS providers and the Consumer Advocate have worked diligently to develop rules to establish and administer a cost recovery mechanism so that E911 service will be available to the residents of the State."

After even more amendments by the Senate Ways and Means Committee, the Senate passed HB 661 on a unanimous vote. House and Senate Conferees worked out the differences between the House-passed and Senate-passed versions and a final bill was passed by both houses and sent to the Governor.

On June 7th, Governor Benjamin Cayetano vetoed HB 661. The Governor's stated reasons for his veto were that (a) the Department of Health has insufficient information and staff expertise to administer the program, (b) the costs of administering the program are uncertain and the surcharge may not be sufficient, and (c) "the FCC has set no deadline for the establishment of such a system. Accordingly, this bill is premature at this time."

IDAHO

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Senate Bill No. 1507 was introduced during the 1998 legislative session, and House Bill No. 291 was introduced during the 1999 legislative session. Neither bill passed.

ILLINOIS**Phase 1 Implementation Status**

None at this time.

Cost Recovery Mechanism

No statewide surcharge at this time.

Choice of Technology Issues

None at this time.

Other Issues

Contractual implementation issues with the City of Chicago.

History

After years of legislative efforts and negotiations, the Illinois House and Senate passed a wireless 911 bill this year. As of June 30, 1999, the bill has not been enacted. On August 16, 1999, the Governor vetoed HB 1383. The bill is scheduled to be re-sent to the Governor sometime in November after modifications are made. Wireless 9-1-1 had been introduced prior to the adoption of the FCC's E911 rules. A consistent early problem was liability protection. Early on wireless carriers worked with the trial attorneys to arrive at acceptable language that was incorporated into the present bill.

Approximately three years ago a group of wireless carriers began negotiating with the PSAPs on a compromise E911 bill. The negotiations were difficult given the differing interests and needs. PSAPs wanted local collection and remittance of funds to mirror the landline system in Illinois. Because of billing concerns, carriers wanted a centralized single point of contact collection and remittance system. Accountability and oversight were also factors. The amount of the fee was also a complicating factor. The fee was made more difficult by the fact that the City of Chicago instituted a \$1.25 a month wireless surcharge and some of the non-carrier interests looked at such as a benchmark. Many felt that a \$1.25 surcharge statewide was excessive while others realized that such a rate would be difficult to pass. A bill attempting to reduce the City of

Chicago's fee would also be unlikely to pass given the City of Chicago's opposition. Thus, the City of Chicago was grandfathered at the existing fee. Also complicating the process was the fact that several PSAPs in the Chicago suburban area refused to take wireless 911 calls and thus carriers were forced to rely and pay a third party vendor to process such calls. Also other PSAPs, including those outside the Chicago area, began threatening to stop taking wireless 911 calls. Compromise bills were presented during the 1997 fall veto sessions, the 1998 Spring Session, the Fall 1998 veto session and the Spring 1999 session when the bill was finally considered for final vote by both the House and Senate.

The Illinois bill imposes a surcharge of up to \$.75 per month per wireless line with the exact fee to be set by the board. Approximately 2/3 of the fund goes to the PSAPs, including the State Police who are established as the default wireless 911 carrier for the state thus assuring statewide wireless 911 coverage. The PSAP is not required to use the funds to institute E911 services but must be accepting wireless 911 calls to receive the money. There is no requirement that the money is used for wireless 911 purposes, only that it is used for the statutory general 911 purposes. The legislation requires a review by the State Auditor prior to October 1, 2001 and sunsets on April 1, 2005.

The funds are remitted centrally and are subject to appropriation. Carriers recover their E911 costs via submitting of invoices and certified documentation. Carriers do not receive administrative costs associated with collecting the fee and are limited to recovering 125% of the charges remitted to the wireless carrier fund unless the carrier receives prior approval of the Department of Central Management Services. Thus some carriers have expressed a concern as to whether carriers in high cost, rural areas or new entrants will be able to achieve full cost recovery.

Additionally, contract negotiation issues with the City of Chicago have contributed significantly to the delay of Phase I E911 implementation in Illinois. In July of 1998 the City submitted a draft agreement to the carriers that was over 100 pages long. The City's draft contained many provisions similar to those found in government procurement contracts. The City's draft required certifications from each of the carriers demonstrating their compliance with various state and municipal laws that did not seem applicable to the provision of E911 Service.

The carriers reviewed the City's July 1998 draft and highlighted some of their concerns in a conference call with the City in the fall of 1998. In the spring of 1999 the City circulated a second draft to the Carriers. In July 1999 the carriers circulated their suggested edits to the City in the hopes that a consensus on the content and scope of the agreement will soon be reached.

INDIANA

Phase 1 Implementation Status

Phase 1 service is now available or in the process of implementation in numerous PSAPs throughout the state.

Cost Recovery Mechanism

Indiana has enacted a \$0.65 per month per subscriber E911 surcharge, a minimum of \$0.25 of which is to be used to reimburse carriers for E911 costs.

Choice of Technology Issues

None at this time.

Other Issues

Although the cost of connection to a selective router has traditionally been less than \$1,000, Ameritech has filed a tariff imposing a charge in excess of \$13,000 per carrier for connection to each of its three routers.

Additionally, as described below in the history section, several carriers have been refused full reimbursement of their Phase I costs due to an interpretation, opposed by carriers, of Indiana's 125% carrier cost reimbursement cap.

History

The wireless industry and the public safety community, after lengthy negotiations, agreed to compromise wireless E911 legislation that passed the General Assembly and was signed into law on 3/13/98 in advance of the Phase I implementation deadline. The law provides for a Wireless Enhanced 911 Advisory Board, imposes an initial fee of \$.65, creates a wireless emergency telephone fund, provides for CMRS cost recovery, and gives funds to PSAPs providing wireless E911.

The Board is made up of eleven members, five CMRS, five from the public safety community, and it is chaired by the state Treasurer who may vote only to break a tie. The Board has the ability to raise or lower the fee once a year, but it cannot be raised more than \$.07 at one time, and the fee cannot exceed \$1.00.

The initial fee of \$.65 was imposed on 5/1/98. CMRS providers may keep two percent (2%) of the fee for administrative costs. Three percent (3%) is to be escrowed for Phase II. At least \$.25 of the fee must be held in the fund to reimburse CMRS providers for the actual costs of complying with the 911 requirements of the FCC Order. Two percent (2%) covers Board expenses. The money remaining in the fund is held for monthly distributions beginning 9/1/99 to eligible PSAPs that provide wireless E911 service. There are requirements in the law that govern the use of the money by PSAPs. A CMRS provider may recover all of its cost of implementing wireless E911 from the fund. The Board must approve the plan before the CMRS provider may recover costs. The Board may not approve an invoice if payment of the invoice would result in payment of more than one hundred twenty-five (125%) of the total amount contributed to the fund by a CMRS provider, unless the Board approved the cost before it was incurred by the CMRS provider.

The Board met for the first time on 7/28/98. At its 8/17/98 meeting, the Board approved the CMRS Provider Remittance Form and the CMRS Carrier Cost Recovery Instructions. A Chair and two members were appointed to the Cost Recovery Subcommittee. The Subcommittee recommended and the Board approved cost recovery in the amount of \$.25 per subscriber per month for a number of carriers at its 9/29/98, 11/4/98, and 1/26/99 meetings.

Some carriers that were approved for \$.25 had asked the Subcommittee to approve higher costs. The subcommittee chair on the advice of counsel issued letters that said, "the Board only approved 25 cents per subscriber as outlined in the Indiana Legislation. We are unable to approve any additional funding at this time. The maximum the board would be able to approve is 31 cents per subscriber per month". Several CMRS providers opposed this position. It is their position that the 125% cap applied to the full amount per subscriber per month contributed to the fund which was \$.61 and that the 125% cap could be exceeded with prior approval of the Board.

While some CMRS providers have differences with the Subcommittee, all providers, the Board and the Subcommittee have been working together to implement wireless E911 in the state. The first CMRS carrier began providing wireless E911 service in Ft. Wayne on 3/31/98. All carriers whose costs have been approved are now providing wireless E911 in the state or are in the process of implementation. All carriers that are providing E911 service are being reimbursed for their costs.

The Cost Recovery Subcommittee requested all CMRS providers to meet individually with the Subcommittee June 23 – 25 to discuss "true costs" and other issues. During those meetings the Subcommittee backed away from its position of a \$.31 cap. The Subcommittee intends to review all CMRS provider costs at meetings on 8/11, 12, & 13/99 and present a comprehensive plan and recommendations to the Board at its meeting on 8/24/99.

IOWA

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

SF 530, Iowa's bill creating a system for implementing and funding wireless E911 services, was initiated by the wireless industry. The act became effective on April 16, 1998. The act provided for appointment of an E911 Administrator no later than July 1, 1998, and required establishment and collection of a surcharge to begin no later than January 1, 1999. The act left many issues to be determined by administrative rule including the establishment of a statewide plan for cost recovery, but set no deadline for such a plan.

The rulemaking process did not begin until fall 1998. The wireless industry took a lead role. At the presentation of proposed rules to the state Administrative Rules Review Committee on October 13, 1998, the Department of Emergency Management Services (the state E911 administrator) stated that they would complete the "Statewide wireless E911 plan" required by the administrative rules by July 1, 1999. During November and December of 1998, the process slowed because the PSAPs attempted to have the proposed rules amended to permit counties to use funds from wireless carriers for expenses not directly related to the provision of wireless E911 services. Compromise was finally reached in time for final rules to be effective January 6, 1999 (5 days after the surcharge began).

The surcharge has been collected since January 1, 1999. The PSAPs proposed legislation to raise the surcharge, and redistribute it with a larger share going to PSAPs, in the 1999 legislative session.

No formal action has been taken since then towards full implementation of wireless E911, and the "statewide plan" is not yet in place to allow cost recovery. Since a plan was not completed by July 1, 1999, the Department now hopes to have a first draft of such a plan completed by late summer, and will then circulate it for comments of interested parties. The wireless industry will closely monitor that draft for efforts to raise the surcharge. The industry will make every effort to keep the process moving to allow quick and cost-effective rollout of additional safety and functionality for Iowa wireless customers. The implementation of Phase I wireless E911 will continue to be delayed until an administrative rule establishes the statewide cost recovery plan.

KANSAS**Phase 1 Implementation Status**

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Kansas currently has a basic 9-1-1 law that requires Counties to take wireless 9-1-1 calls themselves or contract with another county for taking the calls. The statute did not impose any surcharge and does not address Phase 1 implementation. There were two bills introduced into the 1999 Kansas legislature to impose a surcharge and thus provide cost recovery mechanism for Phase 1—Senate Bill 63 and House Bill 2399. The Senate Commerce Committee held hearings wherein the current structure and capabilities of 911 processing centers and the state of the landline 911 service fund were discussed along with consumer, governmental and industry concerns. The House Utilities Committee also held hearings. The hearings did not produce any new law this session but it is expected that the legislation will continue to be pursued.

KENTUCKY

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Kentucky imposes a \$0.70 per month per subscriber E911 surcharge, with 50% of the funds to be used for PSAP expenses and 50% to reimburse CMRS providers for Phase I expenses.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

The Kentucky legislature meets every two years, and FCC 96-264 was issued far too late for consideration in the 1996 session. However, prior to the 1998 legislative session, Wireless Industry and Public Safety representatives jointly addressed wireless 911 and the requirements of the order. Legislation was crafted and introduced in 1998, passing without serious opposition. It had the following major provisions:

- An eight-member state board includes a LEC representative, municipal and PSAP employees, and three members of the wireless community.
- Fee is set at 70¢, half to the PSAPs and half to reimburse CMRS providers for Phase I.
- All requests for reimbursement must be approved by the state board.
- Includes limitations on liability.

Appointments to the state board were delayed by six months due to procedural problems, but cost recovery procedures have now been prepared. The annual meeting of the Kentucky NENA chapter on July 8, 1999 includes education programs on Phases I and II, steps to implementation, and instructions on how to secure disbursements from the state fund. Phase I deployments are expected to increase rapidly in fall of 1999.

LOUISIANA

Phase 1 Implementation Status

Phase I service has been implemented in one parish in Louisiana by some carriers.

Cost Recovery Mechanism

Louisiana collects, on a parish by parish basis, \$0.85 per month per wireless subscriber.

Choice of Technology Issues

None at this time.

Other Issues

All parishes with a population of 30,000 and over will implement Phase I within 12 months of surcharge initiation, while all parishes of 20,000 or more will implement within 18 months.

History

The wireless industry and the Public Safety Community independently pursued Wireless E911 legislation until 1999. Prior to 1998 the Public Safety Community tried to pass legislation that included a surcharge on wireless customers. The surcharge would contribute to the overall cost of E911 but did not include any specific support for Wireless E911, or FCC Order 94-102. Most of these proposals did not pass. In 1998, the wireless industry lobbied for Statewide Oversight and one statewide rate, while the Public Safety Community lobbied to maintain local jurisdiction. The Public Safety Community did acknowledge FCC Order 94-102, but was unsure of the impact it had on Louisiana. There was also a view by many of the PSAPs that cost recovery was incremental to any other contemplated surcharge. The industry and Public Safety Community continued to meet between throughout 1998 and agreement was reached on most issues. In the 1999 Session, a compromise was reached on all issues. The proposal maintained local jurisdiction and established a statewide rate of eighty-five cents (with the exception of two parishes that had voted on higher rates). HB2102 passed unanimously in June 1999. The highlights of the bill are:

- All Parishes with a population of 30,000 and over will implement Phase I within 12 months of the effective date.
- All Parishes of 20,000 or more will implement within 18 months.
- Immunity is included.
- Cost recovery is included on a Parish by Parish basis.
- No Statewide board.

The industry is expecting Phase I requests to increase rapidly in the fall of 1999. Many of the 35 parishes with populations over 30,000 should be implemented by summer of 2000.

MAINE

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Maine has imposed a \$0.32 per month per subscriber E911 surcharge, although no plan for Phase I implementation and surcharge disbursements has been developed.

Choice of Technology Issues

None at this time.

Other Issues

Statewide landline E911 service is still being deployed in Maine.

History

Phase 1 implementation has been delayed in Maine.

Although Maine passed legislation that includes wireless phone subscribers in the State's E-911 surcharge (\$.32 as of August 1, 1998), a plan for wireless E-911 has not yet been developed by the State Emergency Services Communication Bureau. Wireless calls are currently being routed to four State Police Barracks at Gray, Augusta, Orono and Hulton.

Presently, Maine is implementing landline E-911 on a state-wide basis. On December 28, 1998, Bell Atlantic was awarded a 5 year, \$22 million contract to install and maintain the E-911 system. Implementation is expected to take 30 months and the estimated completion will occur in June 2001. Wireless E-911 implementation will not proceed until that time. The Director of the Emergency Services Communications Bureau said that he believes Maine will skip Phase 1 and proceed directly to Phase 2.

Funding

A 1998 public referendum authorized \$3,200,000 to fund one-time start-up costs for the statewide E-911 system. Costs included a statewide addressing project that is almost complete – quite a task in a rural state with many unincorporated territories. E-911 surcharge revenues are being used to pay down the bond.

Currently, the revenue from the E-911 surcharge (estimated to be \$3.6 million annually) does not fund “operational costs” for either PSAPs or the State Police. All revenue goes to the Emergency Services Communications Board, which will upgrade the PSAPs for E-911 through the contract with Bell Atlantic. Cost recovery for wireless carriers is currently not envisioned in the \$.32 surcharge.

The current surcharge does not cover the cost of Bell Atlantic's estimated annual portion of the contract (\$4.4 million). It is expected that the surcharge will be raised in the 2000/2001 biennium.

Advisory Board

Maine does have an Advisory Board for E-911, but the responsibilities appear to be relatively minor. The E-911 Advisory Committee was created by legislation and began January 1, 1989. There are 17 members of the Committee. A wireless member added by Executive Order #1 signed by the Governor May 28, 1997. The wireless representative attended first meeting on 8/19/97. The duties of the Committee consist of the following:

- A. The committee shall advise the department on activities relating to the establishment of an E-911 system,
- B. The committee shall review and comment on rules proposed by the department under this chapter,
- C. The committee shall assist the department in providing public information about the implementation and operation of the E-911 system.

The Committee is scheduled to meet every other month, but oftentimes meetings are cancelled due to lack of pressing business.

Maine is moving forward with its rollout of a statewide E-911 system and is progressing, but not at the FCC mandated schedule.

MARYLAND

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Maryland imposes a statewide surcharge of \$0.10 per month per bill, with a county surcharge of up to \$0.50 per month per bill.

Choice of Technology Issues

The statewide 911 board is still evaluating implementation options, with particular focus on Phase II migration.

Other Issues

None at this time.

History

Maryland has had a wireless 911 statute (Md. Ann. Code Art. 41, § 18-101), in place since 1995. The statute provides for a 911 Trust Fund, cooperative agreements between the 24 Counties, public safety agencies, public safety answering points and wireless carriers for the allocation of maintenance, operational and capital costs attributable to the 911 system. In addition, the statute authorizes a 13 member Emergency Number Systems Board (Board), that will make technological recommendations to the Counties based upon factors such as population, area served by all systems, start up costs and vendor test results. The Board is also charged with the authority to approve or disapprove county or multi-county requests for reimbursement of start up costs that vary from the final Board recommendation.

Surcharges have been collected since 1995. Landline and wireless 911 funds have been commingled into the same Trust Fund. There is a State charge of .10 cents per/month on every wireline and wireless number and a county charge of up to .50 cents on every wireless number. These charges are collected every month and remitted to the State Treasurer. Funds are then remitted back to the counties based upon the funding formula in effect. The county holds their allocated 911 funds within their own county 911 Trust Fund. The county monies are used to fund both wireline and wireless 911 within that particular county. More than one-half of the Counties are asserting that they are receiving from the State an inadequate amount of funds in order to fund both wireline and wireless 911. The county will choose the 911 technology best suited for them and contract with a vendor. The Board will pay for each of the counties one-time expense of purchase and installation. The Counties are responsible for all reoccurring charges and any costs that are above the Board recommended costs. Every

county is capable of receiving Phase I enhanced data and wireless carriers are capable of providing such data. The Board has not made a final technology recommendation. No valid requests have been received. Wireless carriers anticipate Phase I requests after the Board has issued its final technology recommendation.

MASSACHUSETTS

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

None at this time.

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

In Massachusetts, limited progress has been made towards deployment of Phase I service. Implementation by the Commonwealth's wireless carriers awaits the passage of a specific wireless E911 statute and related cost recovery provisions.

Under existing state law, the delivery of wireline and wireless 911 service by individual PSAPs is supervised by the State Emergency Telecommunications Board ("SETB"), which is comprised of various public safety officials.¹⁵

Regarding wireless E911 deployment, the SETB has worked with individual PSAPs and completed any PSAP equipment upgrades required to accept Phase I data. Accordingly, the SETB requested E911 service from the Commonwealth's wireless carriers during 1998. However, the SETB has also acknowledged that implementation of Phase I service in Massachusetts must await the passage of a wireless E911 statute permitting the recovery of both wireless carrier costs and the costs to be incurred by SETB in upgrading Bell Atlantic's 911 tandems.

Because of the importance of legislative action in implementing wireless E911 service, the Massachusetts wireless carriers have been working since 1997 to enact such a bill. As of the date of this report, the Massachusetts wireless E911 bill has been amended and is awaiting committee action. Once the Commonwealth's annual budget process has been completed, both the SETB and the wireless industry are hopeful of early passage for this legislation.

MICHIGAN

Phase 1 Implementation Status

None at this time.

Cost Recovery Mechanism

Legislation, effective June 28, 1999, requires that wireless service providers begin collecting a \$.55 surcharge from all subscribers with a MI billing address within 120 days from the effective date. The surcharge is reduced to \$.52 in two years.

¹⁵ Mass. Ann. Laws, ch. 6A, §§18-18G and ch. 166, 14A

Choice of Technology Issues

None at this time.

Other Issues

None at this time.

History

Legislation, effective June 28, 1999, requires that wireless service providers begin collecting a \$.55 surcharge from all subscribers with a MI billing address within 120 days from the effective date. The surcharge is reduced to \$.52 in two years.

The money collected will be deposited in the CMRS Emergency Telephone Fund and be distributed as follows:

- Twenty five cents to reimburse CMRS providers licensed by the FCC to expenses related to implementation of wireless E911;
- One half cent to cover billing and collection costs of CMRS providers (i.e., both carriers and resellers);
- Ten cents to each county that has a final 911 plan in place that includes implementation of wireless E911. Money shall only be used to implement the wireless emergency service order and any expended for a purpose considered unnecessary or unreasonable should be repaid to the fund;
- Fifteen cents to each county on a per capita basis that has a final 911 plan in place that includes implementation of wireless E911. The same expenditure limitations as the other component of money earmarked for the counties applies;
- One and one-half cents for a PSAP training fund; and
- Until two years after the effective, three cents shall be used by the Department of State Police to fund priority issues of 9-1-1 coverage.

Full indemnification for carriers is provided. In addition, beginning one year after the effective date, a county is not eligible to receive any further disbursements unless the county is in compliance with the wireless order and the state statute. If a county with a final 9-1-1 plan does not accept CMRS calls, the revenues available to the county will be disbursed to the public agency or county responsible for accepting and responding to those calls.

The Emergency Telephone Service Committee (ETSC) was recreated to develop statewide standards for emergency telephone service. The twenty-one member board includes one CMRS representative. The board is responsible for appointing a subcommittee to review expenditures from the CMRS Emergency Telephone Fund. The five member subcommittee includes two CMRS representatives. The ETSC issued a statewide implementation request approximately two years ago even though certain county implementation costs may not be covered through monies generated by the wireless surcharge.

The ETSC is also responsible for conducting a cost study no later than April 30, 2000 and August 30 annually after 2000. The report shall include recommendations to change the surcharge, detailed expenditures of each county to implement the wireless order and a description of any commercial applications developed as a result of implementing the statute. The statute sunsets January 1, 2004.

MINNESOTA

Phase 1 Implementation Status

One carrier has implemented in the area of Minneapolis/St. Paul and plans to implement in the rest of the state sometime soon.

Cost Recovery Mechanism